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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,418	02/26/2002	Michael Wayne Brown	AUS920010849US1	4667

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2642

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/082,418

Applicant(s)

BROWN ET AL.

Examiner

Thjuan P. Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/08/05:09/16/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on 06/03/05, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.
2. To avoid abandonment of the application, appellant must exercise one of the following two options:
  - (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
  - (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.
3. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yaker (US 6,594,230).
5. In regards to claims 1, 8, and 15, Yaker discloses a method, system, and program for regulating use of a telephone line, comprising: detecting an identity (e.g. passwords or identifiers) of a caller requesting use of a telephone line to place an outgoing call (See col. 4 lines 26-35 and col. 5-6 lines 60-3); and only allowing use of said telephone line to place said outgoing call by said caller if a schedule (e.g. day of week or time of day) for said telephone line indicates that said caller identity is currently allowed to place said outgoing call (See col. 5 lines 45-59). In the Appeal Brief filed on 06/03/05, Applicant did not argue the rejection of claims 1, 8, and 15, and did not list the above claims under item VI (Grounds of Rejection to be Reviewed on Appeal).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaker (US 6,594,230), in view of Heck (US 6,671,672), and/or in view of Examiner's Official Notice.
7. Yaker discloses all of claims 2, 9, and 16 limitations, except the method, system, and program, wherein detecting an identity further comprises: detecting said identity of

said caller from a voice authentication. Heck, however, discloses the method, system, and program, wherein detecting an identity further comprises: detecting said identity of said caller (e.g. caller/telephone caller) from a voice authentication (See Abstract and col. 4-5 lines 16-7). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ voice authentication within the system, as a way of allowing for a caller to be able to access a system through voice recognition, instead of having to key in or manually enter his or her identification information, thus, making the system more user friendly. Examiner further takes official notice that the use of voice recognition to identify a caller is old and notoriously well known in the art.

8. Claims 3, 5-7, 10, 12-14, 17, 19-21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaker (US 6,594,230), in view of Heck (US 6,671,672), and/or in view of Examiner's Official Notice, and further in view of King et al (US 5,872,841).

9. Yaker and Heck disclose all of claims 3, 10, and 17 limitations, except the method, system, and program, further comprising: detecting an estimated time for said outgoing call requested by said caller; and filtering said schedule according to said estimated time for said outgoing call. King, however, discloses the method, system, and program, further comprising: detecting an estimated time for said outgoing call requested by said caller; and filtering said schedule according to said estimated time for said outgoing call (See col. 2-3 lines 57-6). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature within

the system, as a way of allowing the caller to schedule a time to place an outgoing call and being able to maintain that scheduled time.

10. Yaker and Heck disclose all of claims 5, 12, and 19 limitations, except the method, system, and program, further comprising: detecting an amount of points (e.g. importance or priority of caller) available to said caller for placing said outgoing call; and filtering said schedule according to said amount of points available for said outgoing call and an amount of points required for at least one portion of said schedule. King, however, discloses the method, system, and program, further comprising: detecting an amount of points (e.g. importance or priority of caller) available to said caller for placing said outgoing call; and filtering said schedule according to said amount of points available for said outgoing call and an amount of points required for at least one portion of said schedule (See col. 10 lines 1-60 and col. 11 lines 4-18).

11. Yaker and Heck disclose all of claims 6, 13, and 20 limitations, except the method, system, and program, further comprising: controlling output of a message to said caller indicating at least one from among a reason for a blocking said telephone line, a next available time for use of said telephone line to place said outgoing call, and an amount of time available for use of said telephone line to place said outgoing call. King, however, discloses the method, system, and program, further comprising: controlling output of a message to said caller indicating at least one from among a reason for a blocking said telephone line, a next available time for use of said telephone line to place said outgoing call, and an amount of time available for use of said telephone line to place said outgoing call (See col. 6 lines 6-36 and col. 10 lines 11-19).

12. Yaker and Heck disclose all of claims 7, 14, and 21 limitations, except the method, system, and program, further comprising: providing said caller with an option for reserving a call appointment in said schedule to place said outgoing call. King, however, discloses the method, system, and program, further comprising: providing said caller with an option for reserving a call appointment in said schedule to place said outgoing call (See col. 2 lines 27-38).

13. Yaker and Heck disclose all of claims 23 and 25 limitations, except the method and system, further comprising: controlling said telephone line from a private switching network. King, however, discloses the method and system, further comprising: controlling said telephone line from a private switching network (See Fig. 1 and telephone exchange system 10) (See col. 3 lines 21-26).

14. Claims 4, 11, 18, 22, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaker (US 6,594,230), in view of Heck (US 6,671,672), and/or in view of Examiner's Official Notice, in view of King et al (US 5,872,841), and further in view of Jonsson (US 6,115,613).

15. Yaker, Heck, and King disclose all of claims 4, 11, and 18 limitations, except the method, system, and program, further comprising: detecting a subject for said outgoing call requested by said caller; and filtering said schedule according to said subject for said outgoing call. Jonsson, however, discloses the method, system, and program, further comprising: detecting a subject for said outgoing call requested by said caller; and filtering said schedule according to said subject for said outgoing call (for example,

the subject of the call could be a specific number/called party, wherein the system filters the schedule according to whether or not the specific number/called party is prohibited or not, See col. 6 lines 27-48 and col. 6 lines 60-65). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature within the system, as a way of not allowing a caller to schedule or place phone calls to numbers that are prohibited.

16. Yaker, Heck, and King disclose all of claims 22, 24, and 26 limitations, except a method, system, and computer program product for regulating use of a telephone line requested by a plurality of parties, comprising: detecting an identity of a first caller requesting use of a telephone line to place a first outgoing call; and comparing said identity of said first caller with a schedule for at least one other caller concurrently requesting use of at telephone line to place a second outgoing call; and only allowing said first caller use of said telephone line to place said first outgoing call if a schedule for said telephone line indicates that said first caller currently has priority for use of said telephone line. Jonsson, however, discloses a method, system, and computer program product for regulating use of a telephone line requested by a plurality of parties, comprising: detecting an identity (e.g. access code) of a first caller requesting use of a telephone line to place a first outgoing call; and comparing said identity of said first caller with a schedule (for example, the service node 101 has information on who and when calls can and/or should be made by each group member) for at least one other caller concurrently requesting use of at telephone line to place a second outgoing call; and only allowing said first caller use of said telephone line to place said first outgoing



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call if a schedule for said telephone line indicates that said first caller currently has priority for use of said telephone line (See col. 5-6 lines 29-14, col. 6 lines 49-58, and "determination of priority level", col. 6 lines 1-14).

### ***Response to Arguments***

17. Applicant's arguments with respect to claims 2, 4, 9, 11, 16, 18, 22, 24, and 26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith (US 5,822,400) teaches a call record scheduling system and method. Svoronos et al (Us 5,802,161) teach a method and system for optimized scheduling.


19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin



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